



Construction Industry Development Board

DEVELOPMENT THROUGH PARTNERSHIP

Compliance Monitor
Register of Projects



Quarter
2017

2

CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JULY 2017

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CIDB REGISTER OF PROJECTS COMPLIANCE MONITOR; JULY 2017

The cidb *Register of Projects Compliance Monitor* provides indicators of the level of compliance and non-compliance with the Register of Projects by client bodies. These indicators can be used by clients to verify their non-compliance with the cidb regulations, and for the cidb to support enforcement actions and sanctions.

This *Compliance Monitor* is being rolled-out incrementally, and currently focuses on:

- selected national and provincial infrastructure departments;
- public entities; and
- Metropolitan Councils.

The *Compliance Monitor* has recently been restructured, and now only focuses on tender awards and contract closure.

1. Introduction

Information on tender awards and project closure is of paramount importance to the cidb, and provides the basis, amongst others, for:

- gathering reliable information on public sector construction expenditure, at a municipal and provincial level and at various tender Grades;
- assessing supply and demand in the construction industry;
- promoting and increasing transparency and accountability in construction procurement;
- monitoring and assessing the level of expenditure (through main contracts) on black-, women- and youth-owned construction enterprises; and
- monitoring compliance with and the impact of cidb Best Practices.

The Construction Industry Development Regulations of 2004, as amended, were developed in terms of the CIDB Act 38 of 2000 to support the above objectives. In terms of these Regulations, employers in the public sector must comply with requirements for project registration, award and closure as follows:

- a) for the public sector, on projects of which the value exceeds R200 000.00; or
- b) for a public entity listed in Schedule 2 of the Public Finance Management Act, on projects of which the value exceeds R10 million.

Specifically, in terms of the CID Regulations, employers (or clients) must currently comply with the following:

- a) registration of employers and employer's representatives on the cidb *Register of Projects* in terms of Clause 20;
- b) advertisement of tender invitations cidb *Register of Projects* in terms of Clause 38(6) (transitional measure);
- c) registration of the tender award in terms of Clause 18; and
- d) contract completion or cancellation in terms of Clause 21, once the transitional measures have been removed.

In the case of the public sector organisations and public entities, non-compliance with the CID Regulations must in terms of Clause 21(4) be reported to the Auditor General, and can also result in fines being applied.

It is the cidb's aim and objective that this *Compliance Monitor* will contribute to improving compliance with the CID Regulations with regard to the registration of tender awards and contract completion –

and thereby contributing to a better understanding of public sector infrastructure spend and the development of the construction industry.

The cidb Register of Projects is also closely aligned to the National Treasury Central Supplier Database. As of 1 April 2016, National Treasury has introduced the Central Supplier Database (CSD) as a single consolidated comprehensive database for national, provincial or local government in order to remove duplication and fragmentation of supplier information across spheres of government. This database applies to all services including construction.

The National Treasury eTender Publication Portal also forms part of this consolidation, and gives free access to public sector tender opportunities in South Africa. It was established to deal with corruption and to bring transparency to supply chain management. It requires all public sector clients to publish their tenders notices and tender awards on a single platform. Due to the introduction of these regulations by National Treasury, cidb will therefore no longer be reporting on the advertisement of tender notices on the cidb iTender/ Register of Projects within the *Compliance Monitor*.

2. Background and Analysis for Compliance Indicators

The background and key assumptions used in developing and in interpreting the compliance indicators used in the *Compliance Monitor* are highlighted below.

2.1 Tender Awards

Indicators of compliance with the CID Regulation requirements for notification of tender awards are obtained in terms of the total number of tender notices recorded on the cidb *Register of Projects* and which have been recorded as having been awarded. To allow for the time lag between advertisement of tenders notices and award, tender notices issued within 90 days of the date of issue of this *Compliance Monitor* are excluded. Furthermore, tender notices which are cancelled or withdrawn are excluded. A four quarter rolling total is used.

Note that the compliance indicator does not take into account any lack of compliance with the CID Regulations requirements for recording tender notices on the cidb *Register of Projects* or the National Treasury eTender Portal.

Additional indicators of compliance with the CID Regulation requirements for notification of tender awards will be included shortly, including a comparison between tender awards recorded on the cidb *Register of Projects* and the National Treasury eTender Portal.

2.2 Contract Completion

Although not a mandatory requirement yet in terms of the CID Regulation until the removal of the transitional measures, indicators of tenders awarded but not yet completed are included. To allow for the time lag between award or registration of projects and contract completion, tender awards or projects registered within 90 days for non-term contracts and 180 days for term contracts of the date of issue of this *Compliance Monitor* are excluded. Furthermore, tender awards which are cancelled are excluded. A four quarter rolling total is used.

The indicators of contract completion are given separately for non-term contracts and term contracts. Non-term contracts are contracts which have a duration of shorter than a year and term contracts are contracts which are longer than a period of one year.

3. Tender Awards

Indicators of non-compliance with the requirements for the award of tenders are given on the following pages, in which the number of tender notices recorded on the cidb Register of Projects which have not been recorded as being awarded for the period 2015Q2 to 2016Q3 are given. Note that entities with low numbers of tender notices recorded on the cidb *Register of Projects* are not reported on – which could itself be an indicator of non-compliance. Furthermore, compliance ratios for a particular quarter denoted as “-” indicates where no tender notices are recorded for the four quarters under review – which again could itself be an indicator of non-compliance.

Overall, it is seen that compliance ratios with the requirements for the award of tenders varies typically between 50% to 65%, with the highest ratio of compliance being for municipal entities, national departments, provincial departments and local municipalities.

Low levels of compliance for the period 2015Q2 – 2016Q3 are seen for:

- Development Bank of Southern Africa (DBSA)
- Eskom Holdings Limited
- Magalies Water
- Roads Agency Limpopo
- Department of Higher Education
- eThekweni Metropolitan Municipality
- Nelson Mandela Metropolitan Municipality
- Department of Education; Free State
- Agricultural Research Council
- City of Tshwane Metropolitan Municipality
- Johannesburg Social Housing Company
- Department of Health; KwaZulu-Natal
- Department of Police, Roads and Transport; Free State
- Department of Roads and Transport; Limpopo

Relatively high levels of compliance for the period 2015Q2 – 2016Q3 are seen for:

- South African Police Services
- Department of Education; North West
- Department of Education; Northern Cape
- Department of Public Works; Limpopo
- Mandela Bay Development Agency
- Department of Health; Western Cape
- Department of Education; Western Cape
- South African National Roads Agency Limited
- Mangaung Metropolitan Municipality
- Department of Sports, Arts and Culture; KwaZulu-Natal
- Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal
- Joburg Market
- City of Cape Town Metropolitan
- Department of Transport, Roads and Public Works; Northern Cape
- Department of Public Works, Roads and Transport; Mpumalanga

Details of individual tenders notices not awarded are available from the cidb on request.

Number of Tender Notices not Awarded per 4 rolling Quarters

Entity Type	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
District Municipalities	138	133	140	123	123	115
Local Municipalities	428	479	526	542	605	655
Metropolitan Municipalities	246	225	181	213	227	258
Municipal Entities	62	52	45	34	30	35
National Departments	147	111	152	182	199	213
Provincial Departments	430	504	587	670	738	603
State Owned Enterprises	442	415	434	387	387	318

Number of Tender Notices Awarded per Quarter per 4 rolling Quarters

Entity Type	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
District Municipalities	125	119	134	117	116	130
Local Municipalities	775	817	801	794	771	690
Metropolitan Municipalities	316	306	284	218	203	163
Municipal Entities	117	101	102	91	78	60
National Departments	398	342	337	326	312	292
Provincial Departments	796	721	883	1109	1144	886
State Owned Enterprises	435	469	473	509	508	410

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
District Municipalities	48%	47%	49%	49%	49%	53%
Local Municipalities	64%	63%	60%	59%	56%	51%
Metropolitan Municipalities	56%	58%	61%	51%	47%	39%
Municipal Entities	65%	66%	69%	73%	72%	63%
National Departments	73%	75%	69%	64%	61%	58%
Provincial Departments	65%	59%	60%	62%	61%	60%
State Owned Enterprises	50%	53%	52%	57%	57%	56%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Buffalo City Metropolitan Municipality	74%	47%	45%	75%	76%	66%
City of Cape Town Metropolitan Municipality	96%	96%	95%	91%	90%	87%
City of Johannesburg Metropolitan Municipality	90%	86%	73%	58%	43%	0%
City of Tshwane Metropolitan Municipality	11%	27%	15%	10%	11%	0%
Ekurhuleni Metropolitan Municipality	82%	74%	59%	50%	13%	7%
eThekweni Metropolitan Municipality	0%	0%	0%	0%	0%	0%
Mangaung Metropolitan Municipality	100%	100%	95%	92%	86%	75%
Nelson Mandela Metropolitan Municipality	0%	-	11%	10%	8%	6%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
City Power Johannesburg	89%	0%	-	0%	0%	0%
Joburg Market	100%	100%	100%	100%	100%	90%
Johannesburg City Parks	45%	42%	45%	60%	71%	53%
Johannesburg Development Agency	64%	68%	75%	83%	79%	71%
Johannesburg Roads Agency	87%	90%	96%	95%	69%	69%
Johannesburg Social Housing Company	0%	14%	22%	25%	29%	17%
Johannesburg Water	59%	85%	79%	71%	75%	64%
Mandela Bay Development Agency	100%	100%	100%	100%	100%	100%
Pikitup Johannesburg (SOC) Ltd	75%	75%	50%	-	-	-

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

National Departments	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Department of Higher Education	-	-	-	-	0%	0%
Department of Rural Development and Land Reform	67%	66%	56%	50%	46%	44%
Department of Water and Sanitation	67%	67%	75%	77%	83%	50%
National Department of Public Works	71%	74%	71%	68%	66%	65%
South African Police Services	100%	100%	100%	100%	100%	100%

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Department of Agriculture and Land Administration; Northern Cape	57%	46%	46%	46%	64%	91%
Department of Agriculture; Limpopo	80%	71%	45%	33%	33%	17%
Department of Agriculture, Rural Development, Land and Environmental Affairs; Mpumalanga	77%	24%	4%	7%	8%	83%
Department of Co-operative Governance and Traditional Affairs; KwaZulu-Natal	-	-	100%	100%	50%	95%
Department of Education; Free State	6%	0%	2%	2%	2%	0%
Department of Education; North West	100%	100%	100%	100%	100%	100%
Department of Education; Northern Cape	-	100%	100%	100%	100%	100%
Department of Education; Western Cape	93%	100%	-	-	-	-
Department of Health; Free State	80%	100%	86%	83%	83%	8%
Department of Health; KwaZulu-Natal	67%	50%	33%	29%	11%	0%
Department of Health; North West	28%	39%	71%	54%	55%	47%
Department of Health; Western Cape	100%	100%	100%	100%	99%	96%
Department of Infrastructure Development; Gauteng	36%	50%	60%	56%	51%	42%
Department of Police, Roads and Transport; Free State	0%	0%	0%	0%	38%	60%
Department of Public Works and Infrastructure; Free State	73%	57%	50%	49%	50%	45%
Department of Public Works; North West	41%	29%	22%	0%	0%	22%
Department of Public Works; KwaZulu-Natal	80%	56%	56%	68%	62%	65%
Department of Public Works, Roads and Transport; Mpumalanga	88%	87%	79%	86%	85%	88%
Department of Roads and Public Works; Eastern Cape	74%	74%	79%	74%	66%	47%
Department of Roads and Transport; Limpopo	17%	-	-	-	-	-
Department of Rural Development and Agrarian Reform; Eastern Cape	100%	100%	100%	100%	55%	42%
Department of Sports, Arts and Culture; KwaZulu-Natal	100%	100%	100%	100%	84%	79%
Department of Transport and Public Works; Western Cape	86%	84%	84%	83%	93%	83%
Department of Transport, Roads and Public Works; Northern Cape	100%	95%	95%	96%	84%	79%
Department of Transport; KwaZulu-Natal	27%	26%	28%	34%	44%	49%
Department of Public Works; Limpopo	100%	100%	-	-	-	-

Tender Awards Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Agricultural Research Council	9%	4%	5%	0%	10%	7%
Airports Company South Africa Limited (ACSA)	13%	24%	27%	54%	52%	43%
Amatola Water Board	88%	100%	87%	86%	86%	80%
Bloem Water	25%	50%	33%	38%	50%	40%
Coega Development Corporation (Coega)	100%	29%	23%	31%	32%	96%
Development Bank of Southern Africa (DBSA)	-	-	-	-	0%	0%
Eskom Holdings Limited	0%	0%	0%	0%	0%	0%
Independent Development Trust (IDT)	25%	55%	53%	57%	48%	46%
Lepelle Northern Water	49%	43%	39%	47%	68%	89%
Magalies Water	0%	0%	0%	0%	0%	0%
Mhlathuze Water	44%	58%	25%	25%	27%	0%
Passenger Rail Agency of South Africa (PRASA)	52%	47%	49%	62%	52%	35%
Rand Water	64%	59%	56%	50%	38%	36%
Roads Agency Limpopo	0%	0%	0%	0%	0%	0%
South African National Parks	52%	30%	0%	0%	0%	0%
South African National Roads Agency Limited	95%	97%	98%	99%	99%	96%
South African Revenue Services	75%	100%	33%	50%	50%	36%
Transnet Capital Projects	65%	57%	52%	59%	53%	60%
Transnet Rail Engineering	76%	64%	62%	55%	50%	38%
Transnet Freight Rail	72%	80%	76%	80%	83%	50%
Transnet National Ports Authority	50%	33%	58%	54%	55%	88%
Transnet Pipelines	100%	100%	100%	100%	55%	13%
Transnet Property	92%	100%	100%	100%	63%	50%
Umgeni Water	83%	63%	33%	47%	52%	58%

4. Contract Completion

Indicators of tenders awarded but not yet completed are given on the following pages, in which the number of tender awards not recorded on the cidb Register of Projects which have not been recorded as being completed for the period 2015Q2 to 2016Q3 are given for non-term contracts and 2015Q1 to 2015Q4 for term contracts. Note that entities with low numbers of tender awards recorded on the cidb *Register of Projects* are not reported on – which could itself be an indicator of non-compliance. Furthermore, compliance ratios for a particular quarter denoted as “-” indicates where no tender awards are recorded for the four quarters under review – which again could itself be an indicator of non-compliance.

4.1 Non-Term Contracts

Low levels of compliance for the period 2015Q2 to 2016Q3 are seen for:

- Buffalo City Metropolitan Municipality
- Ekurhuleni Municipality Metropolitan
- Johannesburg Development Agency
- Department of Rural Development and Land Reform
- National Department of Health
- Department of Education; Western Cape
- Coega Development Corporation (Coega)
- Rand Water
- South African National Roads Agency Limited
- Department of Infrastructure Development; Gauteng
- Department of Public Works; Limpopo
- Department of Public Works, Roads and Transport; Mpumalanga
- Department of Roads and Public Works; Eastern Cape
- Department of Transport and Public Works; Western Cape
- Department of Transport; KwaZulu-Natal
- Department of Agriculture and Land Administration; Northern Cape
- National Department of Public Works
- Department of Public Works; KwaZulu-Natal

Relatively high levels of compliance for the period 2015Q2 to 2016Q3 are seen for:

- City of Cape Town Metropolitan
- eThekweni Metropolitan Municipality

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
District Municipalities	42	50	31	40	38	31
Local Municipalities	169	158	161	136	112	96
Metropolitan Municipalities	106	76	69	53	58	54
Municipal Entities	3	4	3	4	5	5
National Departments	14	14	17	17	16	20
Provincial Departments	540	522	565	477	383	393
State Owned Enterprises	13	16	13	9	8	8

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
District Municipalities	2	5	4	3	3	0
Local Municipalities	25	24	22	16	12	10
Metropolitan Municipalities	101	90	85	63	60	48
Municipal Entities	0	0	0	0	0	0
National Departments	1	3	3	4	4	2
Provincial Departments	147	47	36	19	16	11
State Owned Enterprises	4	3	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
District Municipalities	5%	9%	11%	7%	7%	0%
Local Municipalities	13%	13%	12%	11%	10%	9%
Metropolitan Municipalities	49%	54%	55%	54%	51%	47%
Municipal Entities	0%	0%	0%	0%	0%	0%
National Departments	7%	18%	15%	19%	20%	9%
Provincial Departments	21%	8%	6%	4%	4%	3%
State Owned Enterprises	24%	16%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Buffalo City Metropolitan Municipality	0%	0%	-	-	-	-
City of Cape Town Metropolitan	50%	50%	50%	33%	50%	50%
Ekurhuleni Metropolitan Municipality	0%	0%	0%	0%	-	-
eThekweni Metropolitan Municipality	55%	56%	56%	56%	51%	47%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Johannesburg Development Agency	0%	0%	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Department of Rural Development and Land Reform	0%	0%	0%	0%	0%	0%
National Department of Health	-	-	0%	0%	0%	0%
National Department of Public Works	10%	30%	33%	40%	44%	22%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Department of Agriculture and Land Administration; Northern Cape	-	-	33%	33%	20%	17%
Department of Education; Western Cape	0%	0%	0%	-	-	-
Department of Infrastructure Development; Gauteng	4%	4%	5%	9%	4%	3%
Department of Police, Roads and Transport; Free State	67%	13%	10%	5%	6%	4%
Department of Public Works; KwaZulu-Natal	14%	23%	42%	73%	67%	37%
Department of Public Works, Roads and Transport; Mpumalanga	8%	0%	0%	0%	0%	0%
Department of Roads and Public Works; Eastern Cape	2%	7%	4%	4%	7%	0%
Department of Transport and Public Works; Western Cape	13%	9%	4%	0%	0%	0%
Department of Transport; KwaZulu-Natal	25%	67%	67%	40%	0%	0%
Department of Public Works; Limpopo	3%	6%	6%	3%	17%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2015Q2	2015Q3	2015Q4	2016Q1	2016Q2	2016Q3
Coega Development Corporation (Coega)	0%	0%	0%	0%	0%	-
Rand Water	0%	0%	0%	0%	0%	0%
South African National Roads Agency Limited	0%	0%	0%	0%	-	0%
Transnet Freight Rail	36%	30%	0%	0%	0%	0%

4.2 *Term Contracts*

Low levels of compliance for the period 2015Q1 to 2015Q4 are seen for:

- Buffalo City Metropolitan Municipality
- Ekurhuleni Metropolitan Municipality
- Mangaung Metropolitan Municipality
- Johannesburg Development Agency
- Johannesburg Roads Agency
- Department of Education; Western Cape
- Department of Police, Roads and Transport; Free State
- Department of Public Works and Infrastructure; Free State
- Department of Public Works; Limpopo
- Coega Development Corporation (Coega)
- Department of Transport and Public Works; Western Cape
- National Department of Public Works
- Department of Transport; KwaZulu-Natal
- City of Cape Town Metropolitan Municipality

Number of Tender Awards not closed per 4 rolling Quarters

Entity Type	2015Q1	2015Q2	2015Q3	2015Q4
District Municipalities	8	4	2	2
Local Municipalities	149	150	137	119
Metropolitan Municipalities	95	116	120	123
Municipal Entities	35	26	28	19
National Departments	2	1	8	9
Provincial Departments	267	245	246	185
State Owned Enterprises	15	13	6	6

Number of Tender Awards closed per 4 rolling Quarters

Entity Type	2015Q1	2015Q2	2015Q3	2015Q4
District Municipalities	2	0	0	0
Local Municipalities	18	20	18	15
Metropolitan Municipalities	3	0	0	0
Municipal Entities	0	0	0	0
National Departments	1	1	0	0
Provincial Departments	74	69	31	12
State Owned Enterprises	0	0	0	0

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Entity Type	2015Q1	2015Q2	2015Q3	2015Q4
District Municipalities	20%	0%	0%	0%
Local Municipalities	11%	12%	12%	11%
Metropolitan Municipalities	3%	0%	0%	0%
Municipal Entities	0%	0%	0%	0%
National Departments	33%	50%	0%	0%
Provincial Departments	22%	22%	11%	6%
State Owned Enterprises	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Metropolitan Municipalities	2015Q1	2015Q2	2015Q3	2015Q4
Buffalo City Metropolitan Municipality	0%	0%	0%	0%
City of Cape Town Metropolitan	23%	0%	0%	0%
Ekurhuleni Municipality Metropolitan	0%	0%	0%	0%
Mangaung Metropolitan Municipality	0%	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Municipal Entities	2015Q1	2015Q2	2015Q3	2015Q4
Johannesburg Development Agency	0%	0%	0%	0%
Johannesburg Roads Agency	0%	0%	-	-

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

National Departments	2015Q1	2015Q2	2015Q3	2015Q4
National Department of Public Works	33%	50%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

Provincial Departments	2015Q1	2015Q2	2015Q3	2015Q4
Department of Education; Western Cape	0%	0%	0%	0%
Department of Police, Roads and Transport; Free State	0%	0%	0%	-
Department of Public Works and Infrastructure; Free State	0%	0%	0%	0%
Department of Transport and Public Works; Western Cape	0%	8%	5%	5%
Department of Transport; KwaZulu-Natal	25%	26%	14%	7%
Department of Public Works; Limpopo	-	0%	0%	0%

Contract Completion Compliance Indicator (%) per 4 rolling Quarters

State Owned Enterprises	2015Q1	2015Q2	2015Q3	2015Q4
Coega Development Corporation (Coega)	0%	0%	0%	0%

Gauteng Provincial Office
Pretoria
cidbgp@cidb.org.za

Western Cape Provincial Office
Cape Town
cidbwc@cidb.org.za

Eastern Cape Provincial Office
Bisho
cidbec@cidb.org.za

Northern Cape Provincial Office
Kimberley
cidbnc@cidb.org.za

Free State Provincial Office
Bloemfontein
cidbfs@cidb.org.za

KwaZulu-Natal Provincial Office
Durban
cidbkzn@cidb.org.za

Limpopo Provincial Office
Polokwane
cidblimpopo@cidb.org.za

Mpumalanga Provincial Office
Nelspruit (Mbombela)
cidbmpumalanga@cidb.org.za

North West Provincial Office
Mahikeng
cidbnw@cidb.org.za

cidb contact number:
086 100 2432
Anonymous Fraud Line:
0800 11 24 32

email: cidb@cidb.org.za
www.cidb.org.za